

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FIDELITY NATIONAL TITLE	:	
INSURANCE COMPANY, in its	:	
individual capacity and as subrogee of	:	CIVIL ACTION
JP MORGAN BANK, N.A., successor to	:	
WASHINGTON MUTUAL BANK, F.A.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
VINCENT E. CRAVEN, Jr., et. al.,	:	NO. 12-4306
	:	
Defendants.	:	

**ORDER**

**AND NOW**, this 20<sup>th</sup> day of *November*, 2012, upon consideration of **(1)** Defendants Vincent E. Craven, Jr., Aimee F. Craven, Valerie A. Craven, and Monument Mortgage's ("the Cravens") Motion to Dismiss the Complaint (Docket No. 5), Plaintiff Fidelity National Title Insurance Company's Response in Opposition (Docket No. 8), and the Cravens' Reply Brief (Docket No. 11); and **(2)** Defendant Tammi M. Torbik's Motion to Dismiss the Complaint (Docket No. 10), Fidelity's Response in Opposition (Docket No. 15), and Tammi Torbik's Reply Brief (Docket No. 16), it is hereby **ORDERED** that both Motions are **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Counts IV, VII, and VIII are **DISMISSED WITH PREJUDICE**.
2. Counts I, II, III, IX, and X are **DISMISSED WITHOUT PREJUDICE** and with leave to amend. Plaintiff shall be given twenty days to file an Amended Complaint on these Counts.
3. The Motions are **DENIED** as to Counts V and VI.

BY THE COURT:

s/ Ronald L. Buckwalter  
RONALD L. BUCKWALTER, S.J.